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Attorneys for Adversary Complainants

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

* * *

IN RE:

RODEO CREEK GOLD, INC.
Debtor.

Case No. 13-50301-MKN

Adversary Case No.:

Hearing Date: N/A
Hearing Time: N/A

CARLOS BRAUN
Plaintiff,

vs.

RODEO CREEK GOLD, INC.,
a Nevada Corporation,
Defendant.

ADVERSARY COMPLAINT, PROOF OF CLAIM AND
JURY DEMAND

Plaintiff for his Complaint and Proof of Claim against Defendant Rodeo Creek Gold, Inc., a Nevada corporation, complains and avers as follows:

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and

1367.

2. Plaintiff worked at Defendant from May 28, 2011, through December 2, 2011 when he was terminated.

3. Plaintiff is Hispanic.

4. Plaintiff was employed as a miner.

5. Red McKennon was Plaintiff's supervisor.

6. Plaintiff was subjected to different terms and conditions of employment which include, but are not limited to, being denied overtime and bonus.

7. Plaintiff had a reaction to prescribed medication, became disoriented and had to sit down, and for this, Plaintiff was terminated for "sleeping on the job".

8. The Employment Security Division for the State of Nevada found no proof Plaintiff had been asleep on the job.

9. Other employees similarly situated to Plaintiff, who are non-Hispanic have been on the job high on methamphetamine, have been convicted of using drugs, or hospitalized due to drug use, but have not been disciplined or terminated.

10. During his employment, Plaintiff suffered a severe and pervasive hostile and abusive working environment because of his race and national origin.

11. Other employees, suffered similar conduct from McKennon based upon their race and national origin.

12. McKennon is white and American-born.

13. As a proximate result of the aforementioned conduct, Plaintiff has suffered and will continue to suffer emotional distress, mental anguish, humiliation, grief, embarrassment, harm to reputation, loss of enjoyment of life, loss of career, wage loss, lost benefits, lost opportunities for promotion, all in sums to be proved at trial.

14. The conduct of the aforementioned employees was malicious, oppressive, and done with evil motive and deliberate indifference to Plaintiff's rights, entitling Plaintiff to an award of punitive damages against Defendant in a sum to be proved at trial.

15. The aforementioned conduct subjects Defendant to liability pursuant to Title VII

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1 of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2 and -3, for all of the aforementioned
2 damages, and reasonable attorneys fees and costs of suit.

3 16. Plaintiff filed a charge with the Nevada Equal Rights Commission on or about
4 June 16, 2012.

5 The undersigned does hereby affirm the preceding documents does not contain the
6 Social Security Number of any person.

7 DATED this 710th day of May, 2013

8 LAW OFFICE OF
9 JEFFREY A. DICKERSON

10 /S/Jeffrey A. Dickerson
11 JEFFREY A. DICKERSON

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